

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**BRITTNEY LUTE, et al.**

**Case No. 1:20-cv-611**

**Plaintiffs**

**Judge Timothy S. Black**

**vs.**

**Magistrate Judge Karen L. Litkovitz**

**VIVERO RESTAURANTS, INC., et al.**

**Defendants**

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**JOINT MOTION FOR APPROVAL AND ADOPTION OF SETTLEMENT  
AGREEMENT**

Come now Plaintiffs Brittney Lute and Chailsea Acosta, and Defendants Vivero Restaurants, Inc. and Victor Romo, and respectfully move this Court for an order approving and adopting the parties' settlement agreement, the terms of which were entered into the Court record, under seal, at the conclusion of the October 20, 2021 settlement conference before Magistrate Judge Litkovitz.

As grounds for this motion, this matter involves claims arising under the Fair Labor Standards Act (29 U.S.C. §§ 201–216) ("FLSA"). Accordingly, since the proposed settlement agreement involves a compromise of Plaintiff's FLSA claims, federal courts have held a settlement must be reviewed by a district court for reasonableness of the proposed settlement. See *Lynn's Food Stores, Inc. v. U.S. Dept. of Labor*, 679 F.2d 1350 (11th Cir. 1982); *Schneider v. Goodyear Tire and Rubber Co.*, Case No. 5:13-cv2741 (N.D. Ohio June 9, 2014). The parties' settlement agreement resolves all claims in this case against Defendants for alleged unpaid minimum wages, wrongfully withheld tips, and other damages recoverable under the FLSA and Ohio Law. The parties respectfully submit that the settlement agreement is a full and reasonable

compromise of a bona fide dispute and that the terms of settlement agreement are fair and reasonable.

Accordingly, the parties respectfully request the court to enter the proposed order, attached as Exhibit A, which approves the parties' settlement and dismisses all claims with prejudice.

Respectfully submitted,

/s/ Matthew Miller-Novak  
(by Alexander J. Durst,  
per email authorization)

Matthew Miller-Novak 0091402  
Attorney for Plaintiffs  
Barron Peck Bennie & Schlemmer Co. LPA  
3074 Madison Road  
Cincinnati, OH 45209  
Tel. (513) 721-1350  
Fax (513) 721-5029  
Email: [mmn@bpbslaw.com](mailto:mmn@bpbslaw.com)

/s/ Alexander J. Durst

Alexander J. Durst 0089819  
Attorney for Defendants  
The Durst Law Firm  
810 Sycamore St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202  
Tel: (513) 621-4999  
Fax: (513) 621-0200  
Email: [alex@durstlawfirm.com](mailto:alex@durstlawfirm.com)